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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/685,216	10/14/2003	Ned W. Berg	BER101-CIP	4070

7590 01/03/2007

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EXAMINER	
MOTSINGER, SEAN T	
ART UNIT	PAPER NUMBER
2635	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/03/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/685,216	BERG, NED W.	
	Examiner	**Art Unit**	
	Sean Motsinger	2635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 October 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *15 October 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Objections to the Specification

1. The disclosure is objected to because of the following informalities: on page 6 "…the majority of back office…" should read "…the majority of bank…", on page 12 "USPO" should read "USPTO." Appropriate correction is required.

Objections to the Claims

2. Claims 1 and 3 are objected to because of the following informalities: In Claim 1 "the non-visible encrypted multidimensional barcode" lacks antecedent basis. For the purposes of examination examiner has interpreted that applicant intended "fluorescent" when applicant stated "non-visible." In Claim 3 the word "and" is not clear. For the purposes of examination examiner has interpreted that applicant intended "or" instead of "and". Appropriate correction is required.

Objections Under 35 U.S.C. 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 9 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The Claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Applicant claims the differences between a standard bar code reader and

one that can read multi-dimensional fluorescent barcodes. Since examiner has interpreted that applicant regards a significant part of his invention as the capability of modifying the design of a "standard barcode reader" to a multi-dimensional fluorescent barcode reader. Applicant does not sufficiently describe all the changes from "standard" which must be made, in the specification. A "standard bar code reader" would not work as a multi-dimensional fluorescent barcode reader if only a different lens and a filter were attached.

Rejections Under 35 U.S.C. 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayosh et al in view of Cyr et al. US 5,959,296 in further view of US 6212,504 Ramzy US 6,073,121.

5. Re Claim 1 Hayosh discloses, a method of verification and fraud detection of documents, comprising: encoding data on a document using a encrypted multidimensional bar code. (See figure 1 and column 8 lines 35-50.) Note the 2-D barcode on the front of the cheek and the document is encrypted with keys.

Presenting the document to a reader unit and decoding the encrypted multidimensional bar code data. (See abstract.) Note the data is readout i.e. decoded by a document reader.

6. Hayosh does not disclose and displaying the encrypted data. However Ramzy discloses these elements in element 54 of figure 1. One of ordinary skill in the art would be motivated to provide such a display to allow for "teller review" also disclosed in element 54 of figure 2. Therefore it would have been obvious to one of ordinary skill in the art to combine the teachings of Ramzy with Hayosh to achieve the aforementioned advantage.

7. Hayosh also does not disclose the bar code printed in fluorescent ink. However Cyr discloses putting a bar code multi-dimensional barcode in fluorescent Ink. (See column 8 lines 55-65.) Note the bar code is disclosed as potentially two-dimensional and the ink is fluorescent. One would be motivated to change the bar code to a invisible fluorescent ink for "security" and it "can be applied anywhere on the surface of a document or other article without masking or obscuring in any way the underlying background." (See column 1 lines 23-28.) Therefore it would be obvious to one of ordinary skill in the art to combine the teachings of Rammzy, Hayosh and Cry to achieve the aforementioned advantages.

8. Please note that structure cited in Claim 1 "a decoder including a correction lens and filter" is structure not material to the method and therefore is not limiting on the Claim. The elements of the decoder do not effect the method. However the filter is

disclosed in Cry, (see column 8 lines 55-65) and the lens of this camera system (see column 14 line 25) must be corrective in some way, as it must focus the light.

9. Re Claim 2 Cry further discloses, wherein the encoded data is encoded with a non-visible ink. (See column 1 line 24.) Note the mark (i.e. bar code) is invisible.

10. Re Claim 3 Cry further discloses, wherein the name of the recipient is encoded with a multidimensional bar code printed in at least one of a fluorescent ink and non-visible ink. (See column 1 line 24.) Note the mark (i.e. bar code) is invisible.

11. Re Claim 4 Ramzy further discloses, wherein the name of at least one person authorized to sign the document is encoded on one side of the document. (See column 8 lines 35-50.) Note that person authorized to sign the cheek is encoded via a combination of public and private keys.

12. Re Claim 5 Hayosh further discloses, wherein the name of at least one person authorized to sign the document is encoded with a multidimensional bar code (see column 8 lines 35-50 and column 11 lines 57-64) and Cry further discloses the bar code printed in at least one of a fluorescent ink and non-visible ink. (See column 1 line 24.) Note the mark (i.e. bar code) is invisible.

13. Re Claim 6 Hayosh discloses, a method of verification and fraud detection of documents, comprising: encoding a document using a encrypted multidimensional bar code. (See figure 1 and column 8 lines 35-50.) Note the 2-D barcode on the front of the cheek and the document is encrypted with keys. The encoding including the name of the document recipient. (See column 11 lines 45-47.) Note that payee name is encoded. Encoding the document with the name of a person authorized to sign the document. (See column 8 lines 35-50.) Note that person authorized to sign the cheek is encoded via a combination of public and private keys. Presenting the document to a reader/decoder, for reading and decoding the encrypted multidimensional bar code data. (See abstract.) Note the data is readout i.e. decoded by a document reader.

14. Hayosh does not disclose determining the encoded name of the recipient and person authorized to sign the document and displaying the encoded names. However Ramzy discloses displaying the data in element 54 of figure 2. Ramzy also discloses the data including name of the payee (name of recipient) and signature of the payer (name of person authorized to sign the document) in a bar code. (See column 3 lines 15-30.) So this data would be displayed and must be determined before it can be displayed. One of ordinary skill in the art would be motivated to provide such a display to allow for "teller review" also disclosed in element 54 of figure 2. Therefore it would have been obvious to one of ordinary skill in the art to combine the teachings of Ramzy with Hayosh to achieve the aforementioned advantage.

15. Hayosh also does not disclose the bar code printed in fluorescent ink. However Cyr discloses putting a bar code multi-dimensional barcode in fluorescent Ink. (See column 8 lines 55-65.) Note the bar code is disclosed as potentially two dimensional and the ink is fluorescent. One would be motivated to change the bar code to a invisible fluorescent ink for "security" and it "can be applied anywhere on the surface of a document or other article without masking or obscuring in any way the underlying background." (See column 1 lines 23-28.) Therefore it would be obvious to one of ordinary skill in the art to combine the teachings of Rammzy, Hayosh and Cry to achieve the aforementioned advantages.

16. Please note that structure cited in Claim 6, "a decoder including a correction lens and filter" is structure not material to the method and therefore is not limiting on the Claim. The elements of the decoder do not effect the method. However the filter is disclosed in Cry, (see column 8 lines 55-65) and the lens of this camera system (see column 14 line 25) must be corrective in some way, as it must focus the light.

17. Re Claim 7, see rejection for Claim 2. Although claim 2 has a different dependency the additional limitation recited is the same.

18. Re Claim 8, Hayosh discloses wherein the name of at least one person authorized to sign the document is encoded on at least one side of the document. (See rejection for Claim 6). Note that if it is included in the bar code it must be on at least one side of the document.

19. Claim 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cyr et al. in view of Ramzy.

20. Re Claim 9, Cyr discloses, a system for verification of an encoded document, comprising: a reader/decoder, including a correction lens and filter, for reading encoding on a document. The filter is disclosed in Cry, (see column 8 lines 55-65) and the lens of this camera system (see column 14 line 25) must be corrective in some way, as it must focus the light. The encoding is a fluorescent encrypted multidimensional bar code. (See column 8 lines 55-65.) Note the bar code is disclosed as potentially two dimensional and the ink is fluorescent.

21. Cyr does not disclose a terminal for receiving data read from a document; and a display for displaying the decoded data from the document to verify data on the document with data encoded on the document. However Ramzy discloses these elements in element 9 (terminal) and element 1 (display) of figure 1. One of ordinary skill in the art would be motivated to provide such a display to allow for “teller review” also disclosed in element 54 of figure 1. Therefore it would have been obvious to one of ordinary skill in the art to combine the teachings of Ramzy with Cyr to achieve the aforementioned advantage.

22. Re Claim 10, Cyr further discloses, wherein the encoded data is encoded with a non-visible ink. (See column 1 line 24.) Note the mark (i.e. bar code) is invisible.

23. Re Claim 11, Note since this Claim tries to recite a method step instead of structure it is not limiting in an apparatus Claim. Therefore the rejection of Claim 9 stands. However it would not be patentable anyways since Cyr further discloses, wherein the fluorescent multidimensional bar code data is read with a standard barcode reader modified with the correction lens and filter reader. (See column 8 lines 55-65 for lens and see column 14 line 25.) Note that this new reader must also be modified from "standard" with an appropriate lens for reading a 2-dimensional bar code. Furthermore, the filter must also be a modification from "standard" since it is designed to limit the light passing through to the reflections off of invisible fluorescent ink.

24. Ramzy then discloses the barcode decoded in the terminal and displayed to compare with data on the document. (See element 9 (terminal) and element 1 (display) of figure 1.)

25. Re Claim 12, Cyr further discloses, wherein the reader reads/decodes the multi-dimensional property bar code. (See column 8 lines 55-65.) Note the bar code being read is disclosed as potentially two-dimensional.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean Motsinger whose telephone number is 571-270-1237. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marvin Lateef can be reached on 571-270-1245. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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12/20/2006

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